



State of New Hampshire
Public Employee Labor Relations Board

**AFSCME Council 93, Local 365,
Nashua Custodial/Janitorial Staff**

v.

Nashua School District

**Case No. E-0013-18
Decision No. 2016-007**

Pre-Hearing Memorandum and Order

Date of Conference: November 5, 2015

Appearances: Anna Fletcher, Esq., for the Complainant
Thomas M. Closson, Esq., for the Respondent

Background:

On December 30, 2015, the Union filed an unfair labor practice complaint alleging that the District violated RSA 273-A:5, I (a), (b), (e), (g), and (h). The Union charges that the District is proceeding with plans to subcontract work performed by certain bargaining unit positions (custodial personnel), is refusing to negotiate a successor collective bargaining agreement as to the entire bargaining unit, including custodial personnel, as demanded by the Union, and is violating contractual provisions, including Articles I, II, IV, V, VI, X, XXV, XXVII, XXIX, Appendix A, and Appendix C.

The District has answered the complaint and denies that it has violated its bargaining obligations or any contractual provisions as the Union charges. The District maintains that it is pursuing a complete reorganization and intends to have a third party provide all custodial services.

At the pre-hearing conference the parties agreed to file a stipulation within seven days which will provide, in substance, that the Union's charge that the District has violated its bargaining obligations will be submitted for decision via stipulated facts (including exhibits) and briefs. The stipulation will include a proposed schedule for the filing of stipulations and briefs. The parties also agreed the stipulation will provide, in substance, that the Union is withdrawing all other claims without prejudice, and that the Union's claim that the District has violated the parties' collective bargaining agreement will be addressed through the grievance procedure.

Accordingly, the hearing scheduled for February 11, 2016 is cancelled. A further order will issue upon the filing of the referenced stipulation.

So ordered.

Date: 1-27-2016



Douglas L. Ingersoll, Esq.
Presiding Officer/Executive Director

Distribution: Anna Fletcher, Esq.
Thomas M. Closson, Esq.